

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
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DATE FILED: 11/4/2020**

EVRIHOLDER PRODUCTS, LLC,

Plaintiff,

v.

SIMPLY LBS LTD COMPANY,

Defendant.

No. 17-CV-4329 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:


Plaintiff Evriholder Products, LLC, brought this action for patent infringement on June 8, 2017 against Defendants Simply LBS Ltd Company, Impulseev Ltd., Huanyu HK, Ltd. and John Does 1-10. Dkt. 1.

On April 24, 2019, the Court issued an Order granting default judgment in favor of Plaintiff against Defendant Simply LBS Ltd Company on Plaintiff's first cause of action for patent infringement. Dkt. 43. By separate order, the Court referred the case to Magistrate Judge Moses for an inquest as to damages. Dkt. 44. On April 21, 2020, Judge Moses issued a Report & Recommendation (the "Report"), recommending, *inter alia*, that this Court grant Plaintiff's request for compensatory damages in the total amount of \$325,153.76, in addition to prejudgment interest on that sum at the rate of 3.75% from March 15, 2017, to the date on which judgment is entered, and \$202.87 in costs. Rpt. at 25. Judge Moses's Order provided that, "The parties shall have fourteen days from the service of this report and recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure." *Id.* at 26.

On October 6, 2020, the Court ordered Plaintiff to serve the Report on Defendant Simply LBS Ltd Company by no later than October 16, 2020, and to file proof of such service on the docket. Plaintiff has failed to do so. It is thus not clear from the docket whether Defendant Simply LBS Ltd Company was ever served with a copy of the Report.

It is hereby ORDERED that Plaintiff shall serve the Report on Defendant Simply LBS Ltd Company by no later than November 18, 2020, and file proof of such service on the docket. Defendant Simply LBS Ltd Company shall have until December 1 to file any written objections. SO ORDERED.

Dated: November 4, 2020
New York, New York



Ronnie Abrams
United States District Judge